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LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No. 11(656)L&PAD/2025/15 **Dated: 09.07.2025**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 26th day of March, 2025 is hereby published for general information:-

THE CAPITAL UNIVERSITY (AMENDMENT) ACT, 2025

(ACT No. 12 OF 2025)

AN

ACT

to amend the Capital University Act, 2022 (Act No.10 of 2022).

BE it enacted by the Legislature of Sikkim in the Seventy-sixth Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Capital University (Amendment) Act, 2025.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

Amendment of section 2

2. In the Principal Act, in section 2, -

(i) after clause (a) the following clauses shall be inserted, namely: -

"(aa) "Act" means the Capital University Act, 2022;";

(ab) "AIU" means the Association of Indian Universities;";

(ii) after clause (b) the following clause shall be inserted, namely: -

(bb) "Authority" means the authority of the University;";

(iii) after clause (h), the following clause shall be inserted, namely: -

"(hh) "Dean" means the head of a Faculty of the University;";

(iv) after clause (j), the following clause shall be inserted, namely: -

"(jj) "Examination centre" means an examination centre established by the University for the purpose of conducting examination of full time, part time, online education and external students registered with the University;";

(v) after clause (l), the following clause shall be inserted, namely: -

"(ll) "Finance Committee" means the Finance Committee of the University;";

(vi) after clause (o), the following clause shall be inserted, namely: -

"(oo) "notification" means the notification published in the Official Gazette of Sikkim;";

(vii) for clause (v), the following shall be substituted, namely: -

"(v) "Sponsoring Body" in relation to the Capital University means the Charan Singh Educational Foundation;";

Amendment of section 3

3. In the Principal Act, in section 3, -

(1) for sub-section (2), the following shall be substituted, namely: -

"(2) The University shall be situated at West Sikkim.";

(2) for sub-section (3), the following shall be substituted, namely: -

"(3) The operations of the University shall be deemed to commence from the date of publication of the notification in the Official Gazette as specified in sub-section (3) of section 1 of the Act.";

(3) in sub-section (4), after the words "the stipulated time", the words "as determined by the State Government" shall be inserted;

(4) sub-section (6) and (7) shall be omitted;

(5) for sub-section (9), the following shall be substituted, namely: -

"(9) The University shall be self-financing and shall not be entitled to receive any grant or other financial assistance from the State Government."

Amendment of section 6

4. In the Principal Act, in section 6, after clause (d), the following clauses shall be inserted, namely: -

"(e) to set up campus centres, subject to applicable Rules or Regulations;

(f) to recruit and retain highly qualified and dedicated faculty members who are committed to teaching, research and mentorship, providing students with guidance and inspiration;

(g) to provide equal access to education, promote gender equality and empower individuals from diverse backgrounds to excel academically and professionally."

Amendment of section 8

5. In the Principal Act, in section 8, -

(i) for clause (h), the following shall be substituted, namely: -

"(h) to establish study centres and maintain schools, institutions and such centres, specialised laboratories or other units for research within the State as are in the opinion of the University necessary for the furtherance of its objects;";

(ii) clause (bb) shall be omitted;

(iii) for clause (dd), the following shall be substituted, namely: -

"(dd) to receive donations and gifts of any kind with prior approval of the State Government, to acquire, hold, manage, maintain, lease, mortgage and dispose of any movable property, including trust and endowment fund for the purpose of the University or a constituent college with the consent of the landowner subject to the prevalent laws of the State.".

Substitution of section 9

6. For section 9 of the Principal Act, the following shall be substituted, namely: -

"**9.** The University shall have no power to affiliate or otherwise admit to its privileges any other institution."

Amendment of section 14

7. In the Principal Act, in section 14, after sub-section (2), the following sub-section shall be inserted, namely: -

"(3) If at any time, upon presentation made or otherwise, and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interest of the University, the Chancellor may, by an order in writing stating the reasons therein, in consultation with the Governing Body ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order:

Provided that before taking action under this section, the Vice-Chancellor shall be given an opportunity of being heard."

Amendment of section 17

8. In the Principal Act, in section 17, the existing sub-sections (1), (2) and (3) shall be re-numbered as sub-sections (2), (3) and (4) respectively and before sub-section (2) as so re-numbered, the following sub-section (1) shall be inserted, namely: -

"(1) The Registrar shall be a whole time officer of the University."

Amendment of section 18

9. In the Principal Act, in section 18, in sub-section (2), after the words "Accounts Officer shall" and before the words "exercise such powers" the words "be a whole-time officer and shall" shall be inserted.

Amendment of section 19

10. In the Principal Act, in section 19, after sub-section (2) and entries relating thereto, the following sub-section shall be inserted, namely: -

"(3) The Controller of Examination shall be responsible for the due custody of the records pertaining to his work. He shall be ex-officio Secretary of the Examination Committee of the University and shall be bound to place before such Committee all such information as may be necessary for the transaction of its business."

Amendment of section 28

11. In the Principal Act, in section 28, after clause (d), the following clause shall be inserted, namely: -

"(e) is conducting or engaged himself in private coaching classes."

Insertion of new section 35A, 35B, 35C, 35D, 35E, 35F

12. In the Principal Act, after section 35, the following new sections shall be inserted, namely: -

"Admissions

35A. (1) Admission in the University shall be made strictly on the basis of merit.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination for admission and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State:

Provided that the admission in the professional and technical courses shall be made only through entrance test.

(3) Seats for admission in the University, for the students belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes and PWD (Persons with Disabilities) students, shall be reserved as per the policy of the State Government.

(4) At least 50% of seats for admission to each course shall be reserved for students who are bonafide residents of the State having Sikkim Subject Certificate (SSC) or Certificate of Identification (CoI).

Fee structure

35B. (1) The University may, from time to time prepare and revise its fee structure and send it to the Government for its approval before 31st of December of every preceding academic year and the Government shall convey the approval within three months from the receipt of the proposal:

Provided that the fee structure for each course shall be decided before issue of prospectus and shall be reflected in the prospectus:

Provided further that the fee structure shall not be revised or modified during the academic year.

(2) The fee structure prepared by the University shall be considered by a committee to be constituted by the State Government in the manner as may be prescribed, which shall submit its recommendations to the Government after taking into consideration whether the proposed fee is, -

(a) sufficient for generating-

(i) resources for meeting the recurring expenditure of the University; and

(ii) the savings required for the further development of the University; and

(b) not unreasonably excessive.

(3) After receipt of the recommendations under sub-section (2), if the Government is satisfied, it may approve the fee structure.

(4) The fee structure approved by the Government under sub-section (3) shall remain valid until next revision.

Validity of the Academic Award

35C. (1) Degrees, Diplomas and Pre-University Certificates or other academic distinctions awarded by the University shall be recognised for the purpose of employment for post and service under the State Government provided it has been awarded as per the Statutes and Regulations of the University.

(2) Degrees, Diplomas and Pre-University Certificates or other academic distinctions awarded by the University shall be recognised for the purpose of further education in other Universities and higher learning institutes, provided it has been awarded as per the Statutes and Regulations of the University.

Examination

35D. At the beginning of each academic session and in any case not later than 30th of August of every calendar year, the University shall prepare and publish a semester-wise or annual, as the case may be, Schedule of Examinations for each and every course conducted by it and shall strictly adhere to such Schedule.

Explanation. - Schedule of Examination means a table giving details about the time, day and date of the commencement of each paper which is a part of a Scheme of Examinations and shall also include the details about the practical examinations.

Declaration of results

35E. (1) The University shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for a particular course and shall in any case declare the results latest within forty-five days from such date:

Provided that if, for any reason whatsoever, the University is unable to finally declare the results of any examination within a period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon, issue such directions as it may deem fit for better compliance in future.

(2) No examination or the results of an examination shall be held invalid only for the reasons that the University has not followed the Schedule of Examination as stipulated in section 35D and in this section.

Convocation

35F. The convocation of the University shall be held every academic year in the manner as may be specified by the Statutes for conferring Degrees, Diplomas or for any other purpose."

Amendment of section 37

13. In the Principal Act, in section 37, in sub-section (1), after the words "for the University", the words "with an amount of surplus two crores which shall be pledged to the Government once the day to day operation of the University commences" shall be inserted.

Substitution of section 39

14. For section 39 of the Principal Act, the following shall be substituted, namely: -

"Annual Report

39. (1) The annual report of the University shall be prepared by the Board of Management which shall include among other matters, the steps taken by the University towards the fulfilment of its objects and shall be approved by the Governing Body and copy of the same shall be submitted to the Sponsoring Body.

(2) Copies of the annual report prepared under sub-section (1) shall also be presented to the Government."

Substitution of section 40

15. For section 40 of the Principal Act, the following shall be substituted, namely: -

"Audit and Annual Accounts

40. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of Board of Management and all funds accruing to or received by the University from whatever sources and all amount disbursed or paid shall be entered in the accounts maintained by the University.

(2) The annual accounts of the University shall be audited by a Chartered Accountant, who shall be the member of the Institution of Chartered Accountants of India, to be appointed by the Board of Management on mutually agreeable terms for a period of three years.

(3) A copy of the annual accounts and balance sheet together with the audit report shall be submitted to the Governing Body on or before 31st December following the close of the financial year on 31st March each year.

(4) The annual accounts, the balance sheet and the audit report shall be considered by the Governing Body at its meeting and shall forward the same to the State Government along with its observation thereon on or before 31st December each year.

(5) In the event of any material qualification in the report of the Auditors, the State Government may issue directions to the University, and such directions shall be binding on the University."

Amendment of section 41

16. In the Principal Act, in section 41, after sub-section (2), the following provisos shall be inserted, namely: -

"Provided that in the event of winding up of the University there remains any debts or liabilities exceeding the valuation of the movable and immovable properties of the University, the said outstanding debts and liabilities shall vest upon the Sponsoring Body:

Provided further, in case the Sponsoring Body dissolves the University before fifty years of its establishment, all the assets of the University including assets of the Sponsoring Body pertaining to the University shall vest in the State Government free from all encumbrances."

Amendment of section 42

17. In the Principal Act, in section 42, after sub-section (2), the following proviso shall be inserted, namely: -

"Provided that, in case the Sponsoring Body dissolves the University before fifty years of its establishment, all the assets of the University including assets of the Sponsoring Body pertaining to the University shall vest in the State Government free from all encumbrances."

Insertion of new section 42A

18. In the Principal Act, after section 42, the following new section shall be inserted, namely: -

"Expenditure of the University during dissolution

42A. (1) The expenditure for the administration of the University during the dissolution period shall be borne out of its Endowment Fund, Management Fund, the General Fund or the Development Fund.

(2) If funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during dissolution of its management; such expenditure may be met by disposing of the properties or assets of the University by the Sponsoring Body and the State Government."

SURAJ CHETTRI (SSJS)
L.R.-cum-SECRETARY
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT

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